

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

BRYAN LYONS)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-CV-0348-W-HFS
)	
EDWIN LOWNDES, JOYCE BOYLE,)	
JOSHUALYN TOLLIVER, SUSHIL)	
DAWAR)	
Defendants.)	

ORDER

Pro se plaintiff commenced this action against defendants, Edwin Lowndes, Joyce Boul, Joshualyn Tolliver, and Sushil Dawar, alleging that defendants conspired to deprive him of housing. Plaintiff claims that this alleged violation falls within the jurisdiction of this court because he was evicted from a housing unit that receives federal funding.¹ The docket sheet indicates that service was effected on Lowndes and Boul, and they have filed a motion to dismiss for failure to state a claim upon which relief can be granted, pursuant to Federal Rule of Civil Procedure 12(b)(6). However, to-date, defendants Tolliver and Dawar have not been served. By order dated September 30, 2010, plaintiff was directed to file a response to the motion to dismiss and provide proof of service on Ms. Tolliver and Dawar by November 12, 2010. Plaintiff sought additional time to effect service on Ms. Tolliver and Dawar (doc. 17), and timely filed a response to the dismissal motion (doc. 20).

¹After granting plaintiff pro se status, the matter was reassigned to the undersigned due to the lack of consent by the parties to appear before a magistrate judge.

In support of their dismissal motion the served defendants, employees of the Housing Authority of Kansas City, state that the underlying dispute appears to revolve around domestic issues pertaining to child custody of children born of the relationship between plaintiff and Ms. Tolliver. After an order of protection was entered against plaintiff, he commenced an action against Judge Christine Sill-Rogers in Case No. 10-0494-CV-W-ODS. Plaintiff has also filed an action against Virginia Bronk and others regarding the child custody issues in Case No. 10-0347-CV-W-DW. Both cases were dismissed due to, among other things, lack of federal jurisdiction regarding a state court decision and the failure to state a claim upon which relief could be granted.

The present action suffers a similar problem. A reading of the complaint construed in plaintiff's favor fails to present allegations which even if taken as true state a claim. Plaintiff appears to complain that all of the named defendants conspired "under the table" to deny him housing after eviction. (Complaint: ¶ 2). Plaintiff reiterates this claim in his response to the motion to dismiss, and also claims that he was discriminatorily denied inclusion on the lease with Ms. Tolliver - even though she was permitted to maintain residency. Plaintiff also seeks impeachment of Judge Sills-Rogers and a jury trial against Ms. Tolliver's attorney for damages in the amount of one million dollars. Plaintiff seeks additional time to serve Ms. Tolliver and Mr. Dawar who is believed to be her landlord.

Such a mixed-bag of allegations fail to suffice to state a claim upon which this court might fashion some relief. And, as previously noted, this court does not have jurisdiction to review state court decisions unfavorable to plaintiff, and additional time to serve Ms. Tolliver and Dawar will not provide justification for review.

Accordingly, it is hereby

ORDERED that the motion to dismiss for failure to state a claim (ECF doc. 12) is

GRANTED. The complaint against defendants Edwin Lowndes and Joyce Boul is DISMISSED with prejudice. It is further

ORDERED that the complaint against defendants Joshualyn Tolliver and Sushil Dawar is DISMISSED with prejudice for lack of subject-matter jurisdiction. It is further

ORDERED that plaintiff's motion for an extension of time (ECF doc. 17) is DENIED. It is further

ORDERED that the clerk of the court mail a copy of this order by regular mail, and certified mail, return receipt to plaintiff at:

7316 Agnes

Kansas City, Mo. 64132

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

December 6, 2010

Kansas City, Missouri